

The present invention relates to a method and system for overlaying a communication protocol over a different protocol to facilitate management. A detailed description of an exemplary embodiment is set forth in the December 6, 2002 Amendment at page 5. Similarly, Mazzola is described in the December 6 Amendment at page 5, and Katz is described at page 6. Applicant refers the Examiner to these descriptions.

The Examiner has provided several rebuttal arguments in response to comments for patentability. Applicant responds as follows.

In the December 6 Amendment, it was argued that the Examiner had not provided sufficient motivation to combine features of Mazzola and Katz. The Examiner now contends that the combination would be made to cope with problems of Internet addressing. Office Action, page 6, lines 7-8. On this basis, the Examiner contends that it would be obvious to have certain disclosed protocols co-exist. The Examiner continues to misconstrue the claims in view of the cited art. Independent claim 1 does not merely describe co-existence of two protocols. Rather, the claim describes overlaying protocols at selective routers of a plurality of routers. Even assuming that one skilled in the art would combine Mazzola and Katz, this does not provide the motivation for providing any selectivity.

The Examiner contends that “selectivity” stems from the fact that some routers may not be capable of handling TUBA. On this issue, Applicant specifically relied on Katz, page 45, col. 1, last five lines to indicate that there is **no selectivity**. Curiously, the Examiner relies on this same portion to demonstrate the presence of selectivity.

The Examiner's reading of page 45 does not support the rejection. The Examiner correctly states that IP only hosts talk to other IP only hosts. This clearly describes communication by one type of protocol. However, the claim describes two different protocols at IP devices and intervening routers. The IP-IP communication described as a first form of communication at page 45 does not comport with the claim language. The Examiner then contends that CLNP hosts can talk to both types of hosts CLNP and IP-only. However, the CLNP communication with a CLNP host is performed by CLNP. In essence, the communication will again be over a single communication type.

What is clear is that the teachings of the combination of Mazzola and Katz would not include both aspects of a second communication protocol between routers and also the selective overlay of the IP interface. Attachment A, Example 1 shows the case where IP1 and IP2 are interconnected by both IP and CLNP routers (R1 and R2, respectively). Following the teachings of Katz, due to the presence of the IP link, the communication is all in a single communication type, IP. Therefore, while CLNP may be "selected" to exist in only one of the plurality of routers R2, the communication between routers and the IP devices is all in IP, a single communication protocol. Claim 1 describes the routers running a second protocol different from the first.

Attachment A, Example 2 shows the case where IP1 and IP2 are interconnected only by CLNP routers R1, R2. Following the teachings of Katz, the CLNP links will introduce a second communication protocol into the system. However, in such a circumstance the CLNP overlay must exist over each of the CLNP routers R1, R2. There is no selectivity. As previously discussed, the overlay is not selective at all but must exist over each router for two different

protocols to exist. No definition of “selective” can reasonably include the situation where the nature of the structure is dictated by the mode of operation. Therefore, the Examiner’s rejection is not supported.

Because the Examiner misconstrues the claim to merely describe “co-existence”, it appears that the Examiner is ignoring that both aspects of different protocols and selective overlay are what is being claimed, not merely coexistence of two protocols in a network.

Applicant would submit that the Examiner’s reference to IP and CLNP over the “same path” is not understood since no such argument appears at page 7 of the December 6 Amendment. What is clear is that parallel IP and CLNP networks are contemplated in the cited art. Katz appears to accept such an inefficiency as an eventuality until more CLNP-capable hosts are added to the system. By contrast, Applicant was the first to eliminate such inefficiencies in the networking art.

Therefore, claim 1 is patentable for all the above reasons and claims 9 and 14 are patentable for similar reasons. Claims 2-8, 10-13 and 15-17 and 22-23 are patentable based on their dependency.

With regard to the rejection of claims 3, 10 and 15, the Examiner contends that use of an NSAP address creates a “tunnel”. The Examiner’s interpretation of “tunnel” is not supportable. In particular, the tunnel described by the claims includes the address to the second protocol and interface number. The Examiner cites an NSAP, which exists in communications between devices of the first communication protocol type. However, the NSAP does not explicitly nor inherently identify a gateway in the second communication protocol. The Examiner further

RESPONSE UNDER 37 C.F.R. § 1.116
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engages in speculation on the presence of an interface number to provide tunneling. For this and those reasons set forth in the December 6 Amendment, Applicant would maintain that the rejections are not supportable.

In view of the above, Applicant submits that claims 1-23 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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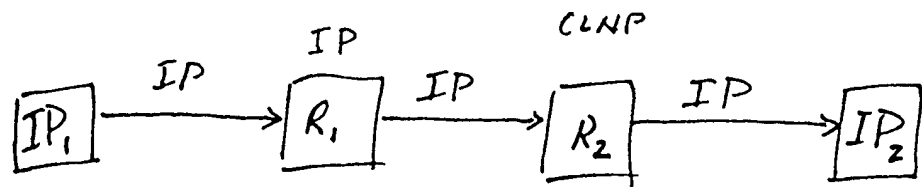
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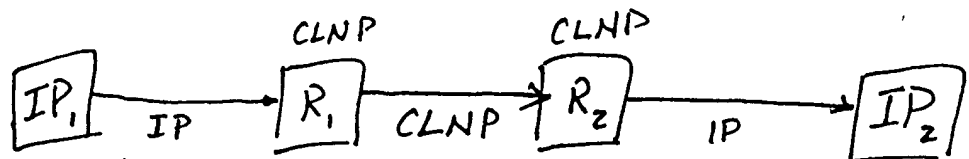
Attachment A (Operations of Katz)

Example 1



- single communications protocol

Example 2



no selective overlay